

Using Zoning to Regulate Energy Development

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Why Am I Here?

- 2 Active Power Plants
- Nuclear Project in the works
- 3 Active Coal Mines (others in closure or reclamation)
- Refinery (just approved last week)
- Coal Bed Methane
- Traditional Gas Wells
- Oil Wells
- Disposal Wells
- Uranium Mining
- Transmission lines – Gas, Electric
- Renewable Energy Projects
- Related industries
- Transportation, Repair, CO2, Clay, Helium, Gypsum

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A little history and information on Emery County Zoning

- 92% of Emery County is federal or state owned land
- Prior to 1970, hundreds of family owned coal, uranium, copper mines spread all over the county
- Zoning ordinance first enacted in Emery County in 1970 – Power Plant Construction
- 1992 through 1998 –Revisions of zoning codes to address development of Coal Bed Methane
- 2004 – County begins implementing of public lands policies into county general plan
- 2008, 2010 Revisions of ordinance to clarify land use authority and simplify processes
- 2012 General Plan reworked to simplify and reduce text

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Challenges Associated with Energy Development

- Huge Impact – minimal tax revenue (federal ownership)
- Declining employment – higher production
- Little motivation for operators to cooperate on federal or state land
- Difficult to be an expert in oil, gas, uranium, power plants, transportation, etc.
- Conflicts with other uses and priorities such as watershed, recreation, transportation
- Roads, roads, roads

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General Plan Strategies

- General Plan is relevant because almost every energy project requires a NEPA process
- Simple, short, straight forward plan with long, detailed appendices on specific issues
- Very clear on role of energy production in relation to other resources
- Watershed is higher priority than energy production

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Zoning Strategies

Mining, Grazing and Recreation Zone

No residential zone

Conditional Uses – EVERYTHING is a conditional use.
Limits conflicts, provides method to regulate based on need

Level 1, Level 2, Level 3 Conditional Use Permits

Staff Review Meeting

Road Encroachment Permit

Nuisance Mitigation

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Keys to success

- Communicate early and often
- Site Visits
- Approve at the lowest possible level
- Identify how zoning benefits the company
 - Liability
 - NEPA
 - Road Encroachment Permit is the “big gun”
- Develop relationships with other regulatory agencies - DOGM, DEQ, Dept. of Health
- Use agency documents as component to approval process. APD for oil and gas, Mine Plan for mines, etc.
- Approvals must be FAST!

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